

# STATE OF NORTH CAROLINA

File No.

12 CVS

GUILFORD

County

In The General Court of Justice

☐ District

☒ Superior Court Division

Name of Plaintiff

DAPHNE M. CRADDOCK

Address

c/o Norman B. Smith, PO Box 990

City, State, Zip

Greensboro, NC 27402-0990

VERSUS

Name of Defendant(s)

LINCOLN NATIONAL LIFE INSURANCE COMPANY, or  
Lincoln National Corporation, or Lincoln Life and  
Annuity Distributors, Inc., or Lincoln Financial  
Investment Services Corporation

Date Original Summons Issued

Date(s) Subsequent Summon(es) Issued

## CIVIL SUMMONS

☐ ALIAS AND PLURIES SUMMONS

G.S. 1A-1, Rules 3, 4

To Each Of The Defendant(s) Named Below:

Name And Address of Defendant 1

LINCOLN NATIONAL LIFE INSURANCE COMPANY  
c/o Mr. Robert Bohner, Junior Vice President  
and Senior Counsel  
115 Radnor Chester Road  
Radnor, PA 19087

Name And Address of Defendant 2

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or plaintiff's attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy to the plaintiff or by mailing it to the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the Court for the relief demanded in the complaint.

Name And Address of Plaintiff's Attorney (if None, Address of Plaintiff)

Norman B. Smith  
Smith, James, Rowlett & Cohen, LLP  
PO Box 990  
Greensboro, NC 27402-0990

Date Issued

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

☐ ENDORSEMENT

This Summons was originally issued on the date indicated above and returned not served. At the request of the plaintiff, the time within which this Summons must be served is extended sixty (60) days.

Date of Endorsement

Time

☐ AM ☐ PM

Signature

☐ Deputy CSC ☐ Assistant CSC ☐ Clerk of Superior Court

NOTE TO PARTIES: Many Counties have MANDATORY ARBITRATION programs in which most cases where the amount in controversy is \$15,000 or less are heard by an arbitrator before a trial. The parties will be notified if this case is assigned for mandatory arbitration, and, if so, what procedure is to be followed.

AOC-CV-100, Rev. 10/01

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(Over)

EXHIBIT  
A

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

GUILFORD COUNTY, C.S.C.

BY

## COMPLAINT

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5. At all material times hereto, plaintiff performed her job duties in an exemplary way, carried out all directions from defendant, abided by all defendant's policies and rules, performed in a manner that exceeded defendant's reasonable expectations of plaintiff's work, and abided by the law.

6. Plaintiff was born on March 7, 1952, and was 59 years of age at the time of her discharge.

7. Plaintiff suffers from the results of a massive brain injury in an automobile wreck that occurred in 1980. Plaintiff was out of work on account of her injuries for more than a year following the date of the wreck. Defendant's predecessor continued plaintiff as its employee, and reasonably accommodated both her lengthy absence and her disabilities upon her return to work.

8. At the time of discharge, plaintiff's disabilities consisted of short-term memory impairment, somewhat limited ability in reading and writing, limited keyboard speed, and weakness of eye muscles.

9. Throughout her career with defendant and its predecessors, plaintiff was assigned to do filing and file maintenance, and to process mail.

10. With minimal additional training and orientation, plaintiff satisfactorily could have performed a number of other jobs that defendant had available at its Greensboro, North Carolina, center.

11. In addition to the benefits from reasonable accommodation to plaintiff by defendant and its predecessors, plaintiff also compensated for her disabilities by being extremely diligent, having essentially a perfect attendance policy, being a loyal advocate

and supporter of her employer, and being regarded by all of her fellow employees as a good friend and a person of unblemished moral character.

12. Beginning sometime in the year 2010, defendant embarked on a strategy and scheme to bring about the discharge of plaintiff. This strategy and scheme was not founded upon any reasonable or legitimate business interest of defendant, but was purely a pretext for discrimination against defendant on the basis of her disability and her age. The strategy and scheme included an oral warning given to plaintiff in March, 2011, falsely claiming that she had been making mistakes, a written warning in June, 2011, falsely stating that she needed to improve to become more efficient, and a final written warning on July 26, 2011, the date of plaintiff's discharge, which should have entitled plaintiff to coaching and other performance enhancing measures, but none of this was allowed by defendant, which discharged plaintiff the very same day as she was given the final written warning.

**FIRST CAUSE OF ACTION  
FOR DISCRIMINATION BASED ON DISABILITY**

13. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 12, and incorporates the same by reference herein as if again fully set forth.

14. At all material times hereto, plaintiff has been a qualified individual with a disability, who with reasonable accommodation, could perform the essential functions of her position of employment, as provided in 42 U.S.C. § 12111(a).

15. Defendant's dismissal of plaintiff can only be explained on the basis of defendant's intent to discriminate against plaintiff on the basis of her disability in violation

of 42 U.S.C. § 12112(a) or on the basis of her age as referred to in the second cause of action hereof.

16. Plaintiff filed a charge of discrimination against defendant with the Equal Employment Opportunity Commission on August 16, 2011, with respect to the above-described discrimination on the basis of disability, pursuant to 42 U.S.C. § 12117(a), incorporating by reference 42 U.S.C. § 2000e-5(b) and (e).

17. On April 30, 2012, plaintiff received from the Equal Employment Opportunity Commission her right to sue defendant, as provided in 42 U.S.C. § 12117, incorporating by reference 42 U.S.C. § 2000e-5(f)(1).

18. Proximately and directly as a result of defendant's discrimination against her, as set forth above, plaintiff has sustained injuries and damages, including loss of income and valuable fringe benefits from employment, pain and suffering, inconvenience, and mental anguish, for which plaintiff is entitled to be compensated by defendant in accordance with 42 U.S.C. § 1981a(a)(2), (b)(3).

19. Plaintiff has no plain and adequate remedy at law, and is entitled to equitable relief from this court, consisting of an order enjoining and restraining defendant to reinstate plaintiff to her former position of employment, and thereafter not to discriminate against her on the basis of her disability, or alternatively, to pay her front pay in accordance with 42 U.S.C. § 12117, incorporating by reference 42 U.S.C. § 2000e-5(g)(1).

**SECOND CAUSE OF ACTION  
FOR AGE DISCRIMINATION**

20. Plaintiff repeats and realleges the allegations contained in paragraphs 1 through 12, and incorporates the same by reference herein as if again fully set forth.

21. Proximately and directly as a result of plaintiff's age, defendant terminated her employment. Defendant's termination of plaintiff's employment was an intentional act of age discrimination in violation of 29 U.S.C. § 623(a)(1).

22. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission on August 16, 2011, with respect to the above-described discrimination on the basis of age, pursuant to 29 U.S.C. § 626(d).

23. On April 30, 2012, plaintiff received from the Equal Employment Opportunity Commission her right to sue defendant, as provided in 29 U.S.C. § 626(e).

24. Proximately and directly as a result of defendant's discrimination against plaintiff on the basis of her age, she has sustained injuries and damages, including loss of income and valuable fringe benefits for which plaintiff is entitled to be compensated by defendant in accordance with 29 U.S.C. § 626(b)(1), incorporating by reference 29 U.S.C. § 626(b).

25. Plaintiff has no plain and adequate remedy at law and is entitled to equitable relief from this court, consisting of an order enjoining and restraining defendant to reinstate plaintiff to her former position of employment and thereafter not to discriminate against her on the basis of her age, or alternatively, to pay her front pay, in accordance with the provisions of 29 U.S.C. § 626(b)(1), incorporating by reference 29 U.S.C. § 217.

WHEREFORE, plaintiff prays that she have and recover her damages of defendant, that plaintiff's judgment bear such interest as is provided by law, that plaintiff be reinstated as an employee of defendant, or alternatively, that plaintiff recover front pay from defendant, that the costs of this action be taxed against defendant, that plaintiff recover her attorney's fees and expenses of litigation from defendant pursuant to 29 U.S.C. § 626(b), incorporating by reference 29 U.S.C. § 216(b), and 42 U.S.C. § 12117, incorporating by reference 42 U.S.C. § 2000e-5(k), that all issues of fact be tried by jury, and that plaintiff have such other and further relief as to the court may seem just and proper.



Attorney for Plaintiff  
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**CERTIFIED MAIL™**

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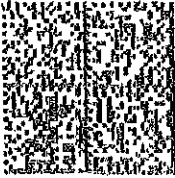


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ADVISE YOUR CORRESPONDENTS  
OF THE RESULTS OF YOUR CHECKING  
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ADDRESS CORRECTION REQUESTED

Lincoln National Life Insurance Co.  
c/o Mr. Robert Bohner  
Junior Vice Pres. & Senior Counsel  
115 Radnor Chester Road  
Radnor, PA 19087



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